Docket No: 745969-129

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re New Patent Application of)
Warren FINLAY et al.)
Based On Provisional Application 60/430,085) Attn: Applications
Which Was Filed: December 2, 2002) Branch
For: DEVICE AND METHOD FOR)
DEAGGLOMERATION OF POWDER) .
FOR INHALATION) Date: December 2, 2003

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure as set forth in 37 C.F.R. §1.56, Applicants hereby submit the following information in conformance with 37 C.F.R. §§ 1.97 and 1.98.

It is requested that the accompanying PTO-1449 be considered and made of record in the above-identified application. To assist the Examiner, the documents are listed on the attached form PTO-1449. It is respectfully requested that an Examiner initialed copy of this form be returned to the undersigned.

By:

Respectfully submitted,

Marc S. Kaufman

Registration No. 35,212

NIXON PEABODY LLP 401 9th Street, N.W. Suite 900 Washington, D.C. 20004-2128

(202) 585-8000

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT						New A	New Application			
				Filing Date				nber 2, 2003		
				First Named Inventor				n FINLAY et al.		
	(use as n	any sheets as necesso	ary)		Art Unit			1		
					Examiner Name				•	
Sheet		l of	1		Attorney Docket Nur	nber		74596	9-129	
	-			U	I.S. PATENT DOCI	IMENT	ΓS			
		U.S. Patent Do	cument			J. 112, 1				
Examiner Initials	Cite No. ¹	Number - Kind Code			Publication Date MM-DD-YYYY		Name of Pat Applicant of Cite		Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	
Th	1	US-2,865,37	0	09/0	06/1957		Gattone			
VY-		US-4,047,52		09/1	13/1977		Kulessa et	al.		
		US-4,940,05		07/1	10/1990		Lankinen			
aB		US-6,427,68		08/0	06/2002		Ligotke et	al.		
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Date

Considered

Examiner

Signature

^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

ATTORNEY DOCKET NO.: 745969-129

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Warren FINLAY, et al.)	Examiner: Unknown
Application No. 10/724,774)	Group Art Unit: 3754
Filed: December 2, 2003)	
For: DEVICE AND METHOD FOR)	Confirmation No.: 9435
DEAGGLOMERATION OF POWDER FOR INHALATION)	

Commissioner of Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1,97(b)

Sir:

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached PTO-1449. This Information Disclosure Statement is being filed before the mailing date of the first Office Action on the merits for the above-referenced application. The listed documents were cited in a communication from the International Search Authority. The Search Report was mailed on February 4, 2004. Copies of the listed documents are attached.

It is requested that the accompanying PTO-1449 be considered and made of record in the above-identified application. To assist the Examiner, the documents are listed on the attached form PTO-1449. It is respectfully requested that an Examiner initialed copy of this form be returned to the undersigned.

The Commissioner is hereby authorized to charge any fees connected with this filing which may be required now, or credit any overpayment to Deposit Account No. 19-2380. (745969-129).

-2 - ATTORNEY DOCKET NO.: 743969-129

Application No.: 10/724,774

Respectfully submitted,

NIXON PEABODY, LLP

By: _

Marc S. Kaufman

Registration No. 35,212

Date: June 3, 2004

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JUN 0 3 2004

ASSOCIABLE FOR FORM 1449A/PTO
INFORMATION DISCLOSURE

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

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	Complete if Known	
Application Number	10/724,774	
Filing Date	December 2, 2003	
First Named Inventor	Warren FINLAY, et al.	
Art Unit	3754	
Examiner Name	Not Yet Assigned	
Attorney Docket Number	745969-129	

		U.S. PATENT DOCU	MENTS	
Cite No. ¹	U.S. Patent Document Number - Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	US-5,522,383	June 4, 1996	Calvert, et al.	
	Cite No.1	No.	Cite No. l U.S. Patent Document Publication Date Number - Kind Code [†] (if known) MM-DD-YYYY	No.! Publication Date Name of Patentee or Applicant of Cited Document

Examiner Initials	Cite No. ¹	Foreign Patent Document	Publication Date	Name of Patentee or	Pages, Columns, Lines, Where Relevant Passages	
		Country Code Number (if known)	MM-DD-YYYY	MM-DD-YYYY Application of Cited Document	or Relevant Figures Appear	T*
ab		AU 703 023 B	March 11, 1999			
the		EP 0 898 978 A1	March 3, 1999			
		OTHER PRIOR	ART – NON PATENT LI	TERATURE DOCUMENTS		
Examiner Initials	Cite No.	Include name of the author	or (in CAPITAL LETTERS), title of the article (when approp	oriate), title of the	T ²
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	No.	nem (oook, magazine, joi	publisher, city and/or co	untry where published.	-issue number(s),	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Date

Considered

Examiner

Signature

ANTER

¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.



Docket No: 034343-2 Serial No: 10/724,774

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re New Patent Application of)	
Warren FINLAY et al.)	
Application No. 10/724,774)	Group Art Unit: 3754
Filed: December 2, 2003)	
For: DEVICE AND METHOD FOR)	
DEAGGLOMERATION OF POWDER FOR)	
INHALATION)	Date: April 28, 2005

INFORMATION DISCLOSURE STATEMENT

United States Patent and Trademark Office Customer Window, Mail Stop Amendment Randolph Building 401 Dulany Street Alexandria, VA 22314

Sir:

In accordance with the duty of disclosure as set forth in 37 C.F.R. §1.56, the accompanying information is being submitted in accordance with 37 C.F.R. §§1.97 and 1.98.

Pursuant to 37 C.F.R. §1.98, a copy of each of the documents cited is enclosed. However, copies of the listed U.S. patents and U.S. patent application publications are not enclosed since it is no longer required according to the July 11, 2003 waiver of the requirement for copies of cited U.S. patents and U.S. patent application publications in national patent applications filed after June 30, 2003 and international applications entering the national stage under 35 U.S.C. §371 after June 30, 2003.

I, the undersigned, hereby state that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of this Information Disclosure Statement.

Docket No: 034343-2 Serial No: 10/724,774

It is requested that the accompanying PTO-1449 be considered and made of record in the above-identified application. To assist the Examiner, the documents are listed on the attached form PTO-1449. It is respectfully requested that an Examiner initialed copy of this form be returned to the undersigned.

The Commissioner is hereby authorized to charge any fees connected with this filing which may be required now, or credit any overpayment to Deposit Account No. 19-2380.

Respectfully submitted,

By: Mars S. Kaufm

Registration No. 35,212

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Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Complete if Known				
Serial Number	10/724,774			
Filing Date	December 2, 2003			
First Named Inventor	Warren FINLAY et al.			
Art Unit	3754			
Examiner Name	Not Yet Assigned			
Attorney Docket Number	034343-2			

			U.S. PATENT DOCUM	ENTS	
Examiner Initials	Cite No. ¹	U.S. Patent Document Number - Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
ak	 	US-6,427,688 B1	August 6, 2002	Ligotke et al.	· igus Appea
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		OTHER PRIOR A	RT – NON PATENT L	ITERATURE DOCUMENTS	1	
Examiner Initials	Cite No.1	Include name of the autho item (book, magazine, jour	nal, serial, symposium, o	LS), title of the article (when appro- atalog, etc.)., date, page(s), volum ountry where published.	priate), title of the e-issue number(s),	T ²
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^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.